Amend claims 1-2, 4, 10-13, 15-22, 24, 28-29, 36, and 40 as follows:

1. (Amended) An isolated nucleic acid molecule [including a sequence] encoding an acquired resistance polypeptide comprising an ankyrin repeat, wherein said acquired resistance polypeptide [is capable of conferring] confers, on a plant expressing said polypeptide, resistance to a plant pathogen.

A1

2. (Amended) The isolated nucleic acid molecule of claim 1, wherein said polypeptide [is capable of mediating] activates the expression of a pathogenesis-related polypeptide.

A2

4. (Amended) The isolated nucleic acid molecule of claim 1, wherein said [polypeptide is obtained from] isolated nucleic acid molecule is derived from an angiosperm.

A3

Sub B7

10. (Amended) An isolated nucleic acid molecule that encodes an acquired resistance polypeptide comprising an ankyrin repeat and that specifically hybridizes to a nucleic acid molecule comprising the genomic nucleic acid sequence of Fig. 4 (SEQ ID NO:1).

SUB B 7 (CONT)

11. (Amended) An isolated nucleic acid molecule that encodes an acquired resistance polypeptide comprising an ankyrin repeat and that specifically hybridizes to a nucleic acid molecule comprising the cDNA of Fig. 5 (SEQ ID NO:2).

A3

12. (Amended) An isolated nucleic acid molecule that encodes an acquired resistance polypeptide comprising an ankyrin repeat and that specifically hybridizes to a nucleic acid molecule comprising the DNA sequence of Fig. 7A (SEQ ID NO:13).

13. (Amended) The isolated nucleic acid molecule of any one of claims 10-12, wherein said nucleic acid molecule encodes a polypeptide that mediates the expression of a pathogenesis-related polypeptide.

15. (Amended) The isolated nucleic acid molecule of any one of claims 1 or 10-12, wherein said nucleic acid molecule is operably linked to an expression control region.

A4

16. (Amended) A vector comprising the nucleic acid molecule of any one of claims 1 or 10-12, said vector [being capable of] directing expression of the polypeptide encoded by said nucleic acid molecule.

17. (Amended) A transgenic cell comprising [an] the isolated nucleic acid molecule of any one of claims 1[,] or 10-12[,] or the vector of claim 16.

18. (Amended) The transgenic cell of claim 17, wherein said transgenic cell is a plant cell.

19. (Amended) The transgenic cell of claim 17, wherein said transgenic cell is a bacterial cell.

20. (Amended) The transgenic cell of claim 19, wherein said transgenic bacterial cell is *Agrobacterium*.

21. (Amended) The transgenic cell of claim 18, wherein said transgenic plant cell has increased resistance to a plant pathogen.

22. (Amended) A transgenic plant comprising [a] the isolated nucleic acid molecule of any one of claims 1[,] or 10-12[,] or the vector of claim 16, wherein said nucleic acid molecule or said vector is expressed in said transgenic plant.

23. (Amended) The transgenic plant of claim 22, wherein said transgenic plant is a[n] transgenic angiosperm.

A4

24. (Amended) The transgenic plant of claim [22] 23, wherein said transgenic angiosperm is a dicot.

A5

28. (Amended) A seed from [a] the transgenic plant of claim 22.

29. (Amended) A cell from [a] the transgenic plant of claim 22.

Sub B2 B7

36. (Amended) A method of producing an acquired resistance polypeptide, said method comprising the steps of:

A6

(a) providing a cell transformed with [a] the isolated nucleic acid molecule of any one of claims 1[;] or 10-12[,] or the vector of claim 16 positioned for expression in the cell;

(b) culturing the transformed cell [under conditions for expressing] to express the nucleic acid molecule; and

(c) recovering the acquired resistance polypeptide.

40. (Amended) A method of providing an increased level of resistance against a disease caused by a plant pathogen in a transgenic plant, said method comprising the steps of:

(a) producing a transgenic plant cell [including] comprising the nucleic acid molecule of any one of claims 1[,] or 10-12[,] or the vector of claim 16 wherein said nucleic acid molecule is positioned for expression in the plant cell; and

(b) [growing] regenerating a transgenic plant from the plant cell wherein the nucleic acid molecule is expressed in the transgenic plant and the transgenic plant is thereby provided with an increased level of resistance against a disease caused by a plant pathogen.

REMARKS

Election/Restriction

Applicants affirm their provisional election made without traverse to prosecute the invention of Group I, claims 1-29, 36, and 40-42. Accordingly, claims 30-35, 37-39, and 43-46 have been canceled as being drawn to a non-elected invention.

Office Action

Claims 13-29, 36, and 40-42 stand objected to under 37 C.F.R. § 1.75(c) as being in improper form. Claims 17-29 also stand objected to because of informalities. The